

EXHIBIT G

From: [House, Theresa M.](#)
To: [Alex Folkerth](#)
Cc: [Bobby Henssler](#); [Hanswirth, Dori Ann](#); [Kirsten McCormack](#); [Elizabeth Shonson](#)
Subject: Re: Under Armour securities litigation/subpoena to Bloomberg LP
Date: Wednesday, March 22, 2023 6:03:15 PM

EXTERNAL SENDER

Hi Alex,
This letter is fine with us. You may file.
Thanks,
Theresa

On Mar 22, 2023, at 4:12 PM, Alex Folkerth <AFolkerth@rgrdlaw.com> wrote:

External E-mail

Theresa,

That approach is fine with us. I have attached the draft letter and a proposed order per your request. Please review and confirm we have your permission to file.

Thanks,

T. Alex B. Folkerth



58 South Service Road, Suite 200
Melville, NY 11747
(631) 367-7100



From: House, Theresa M. <Theresa.House@arnoldporter.com>
Sent: Tuesday, March 21, 2023 6:16 PM
To: Alex Folkerth <AFolkerth@rgrdlaw.com>
Cc: Bobby Henssler <BHenssler@rgrdlaw.com>; Hanswirth, Dori Ann <Dori.Hanswirth@arnoldporter.com>; Kirsten McCormack <KMcCormack@rgrdlaw.com>; Elizabeth Shonson <eshonson@rgrdlaw.com>
Subject: RE: Under Armour securities litigation/subpoena to Bloomberg LP

EXTERNAL SENDER

Hi Alex,

There's a slight curveball here, but we have a suggestion to get everything back on

track. Because we are assigned to USMJ Gorenstein, I took a look at his individual rules (which I attach for your reference). For discovery motions (including Rule 45), he requires that the party wishing to file the motion first write a letter to the Court requesting a conference. There's a procedure where the non-moving party responds, based upon what can be an agreed-upon timetable. The rules also state that if a party believes that the issue must be decided based on formal briefing, rather than on the letters, the party must so state in a separate letter, giving reasons. Once briefing is allowed, and if the Court does not set its own schedule, the parties can agree upon a briefing schedule for the motion without further court order – they just need to inform the Court of what the schedule is. Further, there are no page limits.

We think this issue is appropriate for full briefing. Assuming Plaintiffs agree, we suggest that you write to the Court to inform the Judge that the dispute exists and the parties agree that it should be fully briefed on the agreed-upon schedule, without the need for a pre-motion conference or a response letter from Bloomberg, and ask that the Court issue an order allowing that. This would be in lieu of the stipulation for the briefing schedule. If you agree, we ask that you please send us the draft of the letter ahead of time.

Happy to discuss if you have other ideas, but I think this approach will be relatively simple and consistent with the Judge's rules.

Theresa

From: Alex Folkerth <AFolkerth@rgrdlaw.com>
Sent: Tuesday, March 21, 2023 4:33 PM
To: House, Theresa M. <Theresa.House@arnoldporter.com>
Cc: Bobby Henssler <BHenssler@rgrdlaw.com>; Hanswirth, Dori Ann <Dori.Hanswirth@arnoldporter.com>; Kirsten McCormack <KMccormack@rgrdlaw.com>; Elizabeth Shonson <eshonson@rgrdlaw.com>
Subject: RE: Under Armour securities litigation/subpoena to Bloomberg LP

External E-mail

Hi Theresa,

We can agree to 25 pages for Bloomberg's opposition if Bloomberg agrees to 20 pages for our reply, as indicated in the attached version of the stipulation.

Thanks,

T. Alex B. Folkerth
<[image001.jpg](#)>

58 South Service Road, Suite 200
Melville, NY 11747
(631) 367-7100

[<image002.jpg>](#)

[<image002.jpg>](#)

[<image002.jpg>](#)

[<image002.jpg>](#)

[<image002.jpg>](#)

From: House, Theresa M. <Theresa.House@arnoldporter.com>

Sent: Tuesday, March 21, 2023 3:32 PM

To: Alex Folkerth <AFolkerth@rgrdlaw.com>

Cc: Bobby Henssler <BHenssler@rgrdlaw.com>; Hanswirth, Dori Ann

<Dori.Hanswirth@arnoldporter.com>; Kirsten McCormack

<KMcCormack@rgrdlaw.com>; Elizabeth Shonson <eshonson@rgrdlaw.com>

Subject: Re: Under Armour securities litigation/subpoena to Bloomberg LP

EXTERNAL SENDER

Alex, I am sorry but we left something out. Some judges have smaller page limits for discovery motions. Just to be certain, can we please add in a line that our opp can be the same length as opening brief - I believe 25 pages? We can also expand your reply to the same as non discovery motions under the local rules. Ok?

On Mar 21, 2023, at 3:28 PM, House, Theresa M.
<Theresa.House@arnoldporter.com> wrote:

Thanks Alex. Yes, you can sign and file. And yes we confirm that we agreed as you state below.

On Mar 21, 2023, at 2:44 PM, Alex Folkerth
<AFolkerth@rgrdlaw.com> wrote:

External E-mail

Theresa,

Thanks for your email. We are fine with your revisions. Can

we add your signature and file?

Also, we wanted to note that you agreed by phone on March 17 that Bloomberg will not argue that the extended briefing schedule you requested supports any claim that our motion to compel is untimely.

Thank you,

T. Alex B. Folkerth

[<image001.jpg>](#)

58 South Service Road, Suite 200
Melville, NY 11747
(631) 367-7100

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[<image002.jpg>](#)

From: House, Theresa M.

[<Theresa.House@arnoldporter.com>](mailto:Theresa.House@arnoldporter.com)

Sent: Tuesday, March 21, 2023 2:12 PM

To: Alex Folkerth [<AFolkerth@rgrdlaw.com>](mailto:AFolkerth@rgrdlaw.com)

Cc: Bobby Henssler [<BHenssler@rgrdlaw.com>](mailto:BHenssler@rgrdlaw.com); Hanswirth, Dori Ann [<Dori.Hanswirth@arnoldporter.com>](mailto:Dori.Hanswirth@arnoldporter.com); Kirsten McCormack [<KMcCormack@rgrdlaw.com>](mailto:KMcCormack@rgrdlaw.com); Elizabeth Shonson [<eshonson@rgrdlaw.com>](mailto:eshonson@rgrdlaw.com)

Subject: RE: Under Armour securities litigation/subpoena to Bloomberg LP

EXTERNAL SENDER

Hi Alex,

I'm attaching the stip with some revisions. I changed the operative date so that there's no confusion about when it starts to run. Also, we will need to file appearances when this is submitted. We will get that going.

Theresa

From: Alex Folkerth [<AFolkerth@rgrdlaw.com>](mailto:AFolkerth@rgrdlaw.com)

Sent: Tuesday, March 21, 2023 12:35 PM
To: House, Theresa M. <Theresa.House@arnoldporter.com>
Cc: Bobby Henssler <BHenssler@rgrdlaw.com>; Hanswirth, Dori Ann <Dori.Hanswirth@arnoldporter.com>; Kirsten McCormack <KMccormack@rgrdlaw.com>; Elizabeth Shonson <eshonson@rgrdlaw.com>
Subject: RE: Under Armour securities litigation/subpoena to Bloomberg LP

External E-mail

Hi Theresa,

Here is the formatted proposed stipulation.

Thanks,

T. Alex B. Folkerth

[<image001.jpg>](#)

58 South Service Road, Suite 200
Melville, NY 11747
(631) 367-7100

[<image002.jpg>](#)

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[<image002.jpg>](#)

From: House, Theresa M.
<Theresa.House@arnoldporter.com>
Sent: Monday, March 20, 2023 7:03 PM
To: Alex Folkerth <AFolkerth@rgrdlaw.com>
Cc: Bobby Henssler <BHenssler@rgrdlaw.com>; Hanswirth, Dori Ann <Dori.Hanswirth@arnoldporter.com>; Kirsten McCormack <KMccormack@rgrdlaw.com>; Elizabeth Shonson <eshonson@rgrdlaw.com>
Subject: Re: Under Armour securities litigation/subpoena to Bloomberg LP

EXTERNAL SENDER

Thanks Alex. This will need to be so ordered by the judge.
Can you put it in that format? Let's also add the date of
accepting service as the date it is so ordered. The deadlines
can track from that. Thanks.

On Mar 20, 2023, at 6:14 PM, Alex Folkerth
<AFolkerth@rgrdlaw.com> wrote:

External E-mail

Hi Theresa,

Thanks for your response. I don't anticipate
Under Armour or Mr. Plank having any issues
with your edits. I will circulate the new version
in an email thread with counsel for Bloomberg,
Under Armour and Plank all included so that
everyone can indicate their assent.

Let's keep the briefing schedule stipulation
separate – there's no need for Under Armour
and Mr. Plank to be a party to that agreement.
Plaintiff proposes the below (we can format for
filing once we've agreed on the language):

WHEREAS on March 15, 2023,
Aberdeen City Council as Administrating
Authority for the North East Scotland
Pension Fund ("Plaintiff") initiated this
action by filing a Motion to Compel in this
Court;

WHEREAS the respective attorneys
for Plaintiff and Bloomberg L.P.
("Defendant") have met and conferred and
agreed to a briefing schedule;

IT IS HEREBY STIPULATED

AND AGREED, by and between the respective attorneys for Plaintiff and Defendant that the time for Defendant to oppose Plaintiff's Motion is extended to [30 days from date of service]. It is further stipulated and agreed that the time for Plaintiff to file a reply to Defendant's opposition is extended to [two weeks after that].

Finally, we confirm that none of the exhibits listed in Item 2 are Bloomberg documents, including the four you noted.

Thank you,

T. Alex B. Folkerth

[<image001.jpg>](#)

58 South Service Road, Suite 200
Melville, NY 11747
(631) 367-7100

[<image002.jpg>](#)

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[<image002.jpg>](#)

[<image002.jpg>](#)

From: House, Theresa M.

[<Theresa.House@arnoldporter.com>](mailto:Theresa.House@arnoldporter.com)

Sent: Monday, March 20, 2023 4:36 PM

To: Alex Folkerth [<AFolkerth@rgrdlaw.com>](mailto:AFolkerth@rgrdlaw.com);

Bobby Henssler [<BHenssler@rgrdlaw.com>](mailto:BHenssler@rgrdlaw.com);

Hanswirth, Dori Ann

[<Dori.Hanswirth@arnoldporter.com>](mailto:Dori.Hanswirth@arnoldporter.com)

Cc: Kirsten McCormack

[<KMcCormack@rgrdlaw.com>](mailto:KMcCormack@rgrdlaw.com); Elizabeth

Shonson <eshonson@rgrdlaw.com>

Subject: RE: Under Armour securities litigation/subpoena to Bloomberg LP

EXTERNAL SENDER

Alex,

Thank you for this. We are OK with the concept of the additional language regarding filing under seal and have added some language below.

Also, before we agree, can you confirm that none of the Exhibits listed below are materials that also constitute Bloomberg documents (i.e., they are not emails to or from Bloomberg employee accounts or to your knowledge were not materials that were created by or separately provided to Bloomberg)? In particular, we want to know about the non-deposition transcript documents:

1. Exhibit 7, Email chain dated January 1, 2026 (UA_00280474-UA_00280476)
2. Exhibit 24, Under Armour PowerPoint (UA_00223911-UA_00223913)
3. Exhibit 34, Voice recording attachment to Mirchin Deposition Ex. 48 (UA_00308192)
4. Exhibit 36, Email chain dated October 24, 2016 (UA_01215249, UA_01215259)

Could you also please include the briefing schedule to the stip?

Full edited version – new changes in

yellow/bold:

1. Under Armour, Inc. and Kevin A. Plank agree that Plaintiff may serve the unredacted Memorandum of Points and Authorities in Support of Plaintiff's Motion to Compel Bloomberg L.P. to Produce Documents Responsive to Plaintiff's Subpoena (**the "motion" and the "brief," respectively**) – as well as all of the exhibits to the Declaration of Michael G. Capeci in support of same –

on Bloomberg

2. Bloomberg agrees to keep the unredacted brief and the following exhibits (and any references thereto or information gleaned therefrom), **as well as any materials provided in further support of the motion submitted on reply**, confidential and not to use or disclose this material for any purposes other than preparing for and conducting the litigation bearing case number 1:23-mc-00070-LAK in the Southern District of New York **(the “Litigation”)**:

1. Exhibit 3, Excerpts from the Deposition Transcript of Kevin A. Plank, dated February 15, 2023
2. Exhibit 6, Plank Deposition Ex. 31 (UA_00975721)
3. Exhibit 7, Email chain dated January 1, 2026 (UA_00280474-UA_00280476)
4. Exhibit 9, Excerpts from the Deposition Transcript of Stephanie Ruhle Hubbard, dated March 8, 2023
5. Exhibit 10, Ruhle Deposition Ex. 20 (UA_01173730-01173732)
6. Exhibit 24, Under Armour PowerPoint (UA_00223911-UA_00223913)
7. Exhibit 32, Plank Deposition Ex. 4 (KP00004721-KP00004728)
8. Exhibit 33, Mirchin Deposition Ex. 48 (UA_00308191-UA_00308192)
9. Exhibit 34, Voice recording attachment to Mirchin Deposition Ex. 48 (UA_00308192)
10. Exhibit 35, Ruhle Deposition Ex. 24 (UA_01200171-UA_01200174)
11. Exhibit 36, Email chain dated October 24, 2016 (UA_01215249, UA_01215259)

3. **For the excerpts of deposition transcripts referenced above,**

Bloomberg agrees to keep the full transcripts of the same confidential and not to use or disclose this material for any purposes other than preparing for and conducting the Litigation;

4. **Bloomberg agrees that, in the event Bloomberg makes any filings in the Litigation that contain or reference the confidential materials listed in Items 2 or 3, Bloomberg will seek to preserve the confidentiality of such materials by requesting permission from the Court, pursuant to Section 6 of the Electronic Case Filing Rules & Instructions, to file filing the confidential materials in redacted form or under seal, as appropriate, unless otherwise agreed to in writing by Defendants or ordered by the court in the Litigation;**
5. **The above agreements and restrictions in Items 2, 3, and 4 do not apply to any information or materials owned, generated, or already in the possession of Bloomberg.**
6. **[Add briefing schedule]**

From: Alex Folkerth <AFolkerth@rgrdlaw.com>

Sent: Monday, March 20, 2023 1:40 PM

To: House, Theresa M.

<Theresa.House@arnoldporter.com>; Bobby Henssler <BHenssler@rgrdlaw.com>;

Hanswirth, Dori Ann

<Dori.Hanswirth@arnoldporter.com>

Cc: Kirsten McCormack

<KMcCormack@rgrdlaw.com>; Elizabeth Shonson <eshonson@rgrdlaw.com>

Subject: RE: Under Armour securities litigation/subpoena to Bloomberg LP

External E-mail

Hi Theresa,

I hope you had a nice weekend. Under Armour and Mr. Plank have agreed to the stipulation in principle with the following revisions (in bold):

1. Under Armour, Inc. and Kevin A. Plank agree that Plaintiff may serve the unredacted Memorandum of Points and Authorities in Support of Plaintiff's Motion to Compel Bloomberg L.P. to Produce Documents Responsive to Plaintiff's Subpoena (the "brief") – as well as all of the exhibits to the Declaration of Michael G. Capeci in support of same – on Bloomberg
2. Bloomberg agrees to keep the unredacted brief and the following exhibits (and any references thereto or information gleaned therefrom) confidential and not to use or disclose this material for any purposes other than preparing for and conducting the litigation bearing case number 1:23-mc-00070-LAK in the Southern District of New York **(the "Litigation")**:
 1. Exhibit 3, Excerpts from the Deposition Transcript of Kevin A. Plank, dated February 15, 2023
 2. Exhibit 6, Plank Deposition Ex. 31 (UA_00975721)
 3. Exhibit 7, Email chain dated January 1, 2026 (UA_00280474-UA_00280476)
 4. Exhibit 9, Excerpts from the Deposition Transcript of Stephanie Ruhle Hubbard, dated March 8, 2023
 5. Exhibit 10, Ruhle Deposition Ex. 20 (UA_01173730-01173732)
 6. Exhibit 24, Under Armour PowerPoint (UA_00223911-UA_00223913)
 7. Exhibit 32, Plank Deposition Ex. 4 (KP00004721-KP00004728)
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- 48 (UA_00308191-UA_00308192)
9. Exhibit 34, Voice recording
attachment to Mirchin Deposition
Ex. 48 (UA_00308192)
10. Exhibit 35, Ruhle Deposition Ex.
24 (UA_01200171-UA_01200174)
11. Exhibit 36, Email chain dated
October 24, 2016 (UA_01215249,
UA_01215259)
3. **Bloomberg agrees that, in the event
Bloomberg makes any filings in the
Litigation that contain or reference the
confidential materials listed in Item 2,
Bloomberg will preserve the
confidentiality of such materials by
filing the confidential materials in
redacted form or under seal, as
appropriate, unless otherwise agreed
to in writing by Defendants or ordered
by the court in the Litigation.**

Please let us know if that works for Bloomberg.

Thanks,

T. Alex B. Folkerth

[<image001.png>](#)

58 South Service Road, Suite 200
Melville, NY 11747
(631) 367-7100

[<image002.gif>](#)

[<image003.gif>](#)

[<image004.gif>](#)

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[<image006.gif>](#)

From: House, Theresa M.

[<Theresa.House@arnoldporter.com>](mailto:Theresa.House@arnoldporter.com)

Sent: Friday, March 17, 2023 4:55 PM

To: Alex Folkerth <AFolkerth@rgrdlaw.com>;

Bobby Henssler <BHenssler@rgrdlaw.com>;
Hanswirth, Doris Ann
<Dori.Hanswirth@arnoldporter.com>
Cc: Kirsten McCormack
<KMccormack@rgrdlaw.com>; Elizabeth
Shonson <eshonson@rgrdlaw.com>
Subject: RE: Under Armour securities
litigation/subpoena to Bloomberg LP

EXTERNAL SENDER

Thanks Alex. We are running this by our client
and will get back to you as soon as possible,
which given the hour may not be until
Monday. Have a nice weekend.

From: Alex Folkerth <AFolkerth@rgrdlaw.com>
Sent: Friday, March 17, 2023 4:36 PM
To: Bobby Henssler <BHenssler@rgrdlaw.com>;
House, Theresa M.
<Theresa.House@arnoldporter.com>;
Hanswirth, Doris Ann
<Dori.Hanswirth@arnoldporter.com>
Cc: Kirsten McCormack
<KMccormack@rgrdlaw.com>; Elizabeth
Shonson <eshonson@rgrdlaw.com>
Subject: RE: Under Armour securities
litigation/subpoena to Bloomberg LP

External E-mail

Theresa,

Thanks for your time on the phone. You
indicated that you have reservations about
signing Attachment A to the Protective Order.
Assuming Under Armour and Mr. Plank also
agree, please let us know if you would agree to
the following stipulation, which would address
your concerns about signing Attachment A
while still allowing us to serve the nonpublic
filing on your client:

4. Under Armour, Inc. and Kevin A. Plank
agree that Plaintiff may serve the
unredacted Memorandum of Points and

Authorities in Support of Plaintiff's Motion to Compel Bloomberg L.P. to Produce Documents Responsive to Plaintiff's Subpoena (the "brief") – as well as all of the exhibits to the Declaration of Michael G. Capeci in support of same – on Bloomberg

5. Bloomberg agrees to keep the unredacted brief and the following exhibits (and any references thereto or information gleaned therefrom) confidential and not to use or disclose this material for any purposes other than preparing for and conducting the litigation bearing case number 1:23-mc-00070-LAK in the Southern District of New York:

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2. Exhibit 6, Plank Deposition Ex. 31 (UA_00975721)
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10. Exhibit 35, Ruhle Deposition Ex. 24 (UA_01200171-UA_01200174)
11. Exhibit 36, Email chain dated October 24, 2016 (UA_01215249,

UA_01215259)

Once all parties indicate their agreement in principle, I will circulate the stipulation on a thread with counsel to each of the parties to the stipulation so that everyone can indicate their assent.

Additionally, please let us know if you will accept email service of the completed filing upon execution of the stipulation. If so, we will email you the completed filing promptly (no later than the same day) upon execution of the stipulation.

If you agree to the above, we are willing to stipulate to a briefing schedule wherein Bloomberg's opposition to our motion to compel is due 30 days from the date of the stipulation/service and our reply is due two weeks after that.

Thank you,

T. Alex B. Folkerth

[<image001.png>](#)

58 South Service Road, Suite 200
Melville, NY 11747
(631) 367-7100

[<image002.gif>](#)

[<image003.gif>](#)

[<image004.gif>](#)

[<image005.gif>](#)

[<image006.gif>](#)

From: Bobby Henssler

[<BHenssler@rgrdlaw.com>](mailto:BHenssler@rgrdlaw.com)

Sent: Thursday, March 16, 2023 5:04 PM

To: 'House, Theresa M.'

[<Theresa.House@arnoldporter.com>](mailto:Theresa.House@arnoldporter.com); Alex

Folkerth <AFolkerth@rgrdlaw.com>;
Hanswirth, Dori Ann
<Dori.Hanswirth@arnoldporter.com>
Cc: Kirsten McCormack
<KMcCormack@rgrdlaw.com>; Elizabeth
Shonson <eshonson@rgrdlaw.com>
Subject: RE: Under Armour securities
litigation/subpoena to Bloomberg LP

Theresa,

Are you going to sign and return the Protective
Order so that we can serve the brief on you
ahead of tomorrow's call?

Regards,
Bobby

Robert R. Henssler Jr.,

[<image001.png>](#)

655 West Broadway, Suite 1900
San Diego, CA 92101
(619) 231-1058

[<image002.gif>](#)

[<image003.gif>](#)

[<image004.gif>](#)

[<image005.gif>](#)

[<image006.gif>](#)

From: House, Theresa M.
<Theresa.House@arnoldporter.com>
Sent: Thursday, March 16, 2023 1:59 PM
To: Alex Folkerth <AFolkerth@rgrdlaw.com>;
Hanswirth, Dori Ann
<Dori.Hanswirth@arnoldporter.com>
Cc: Kirsten McCormack
<KMcCormack@rgrdlaw.com>; Bobby Henssler
<BHenssler@rgrdlaw.com>; Elizabeth Shonson
<eshonson@rgrdlaw.com>

Subject: RE: Under Armour securities
litigation/subpoena to Bloomberg LP

EXTERNAL SENDER

Sounds great. You can call my direct line – 212
836 8094.

Theresa House

Partner | [Bio](#)

<image007.png>

250 West 55th Street
New York, NY 10019-9710
T: +1 212.836.8094
Theresa.House@arnoldporter.com
www.arnoldporter.com | [LinkedIn](#) | [Twitter](#)

From: Alex Folkerth <AFolkerth@rgrdlaw.com>

Sent: Thursday, March 16, 2023 4:57 PM

To: House, Theresa M.

<Theresa.House@arnoldporter.com>;

Hanswirth, Dori Ann

<Dori.Hanswirth@arnoldporter.com>

Cc: Kirsten McCormack

<KMcCormack@rgrdlaw.com>; Bobby Henssler

<BHenssler@rgrdlaw.com>; Elizabeth Shonson

<eshonson@rgrdlaw.com>

Subject: RE: Under Armour securities
litigation/subpoena to Bloomberg LP

External E-mail

Hi Theresa,

Sure – how about 2:00 p.m. ET?

Thanks,

T. Alex B. Folkerth

<image001.png>

58 South Service Road, Suite 200
Melville, NY 11747

(631) 367-7100

[<image002.gif>](#)

[<image003.gif>](#)

[<image004.gif>](#)

[<image005.gif>](#)

[<image006.gif>](#)

From: House, Theresa M.

[<Theresa.House@arnoldporter.com>](mailto:Theresa.House@arnoldporter.com)

Sent: Thursday, March 16, 2023 4:46 PM

To: Alex Folkerth [<AFolkerth@rgrdlaw.com>](mailto:AFolkerth@rgrdlaw.com);

Hanswirth, Dori Ann

[<Dori.Hanswirth@arnoldporter.com>](mailto:Dori.Hanswirth@arnoldporter.com)

Cc: Kirsten McCormack

[<KMcCormack@rgrdlaw.com>](mailto:KMcCormack@rgrdlaw.com); Bobby Henssler

[<BHenssler@rgrdlaw.com>](mailto:BHenssler@rgrdlaw.com); Elizabeth Shonson

[<eshonson@rgrdlaw.com>](mailto:eshonson@rgrdlaw.com)

Subject: RE: Under Armour securities
litigation/subpoena to Bloomberg LP

EXTERNAL SENDER

Alex – are you available for a call tomorrow?

After 10 a.m. Eastern, but still earlier in the day
is best for me.

From: Alex Folkerth [<AFolkerth@rgrdlaw.com>](mailto:AFolkerth@rgrdlaw.com)

Sent: Thursday, March 16, 2023 3:58 PM

To: House, Theresa M.

[<Theresa.House@arnoldporter.com>](mailto:Theresa.House@arnoldporter.com);

Hanswirth, Dori Ann

[<Dori.Hanswirth@arnoldporter.com>](mailto:Dori.Hanswirth@arnoldporter.com)

Cc: Kirsten McCormack

[<KMcCormack@rgrdlaw.com>](mailto:KMcCormack@rgrdlaw.com); Bobby Henssler

[<BHenssler@rgrdlaw.com>](mailto:BHenssler@rgrdlaw.com); Elizabeth Shonson

[<eshonson@rgrdlaw.com>](mailto:eshonson@rgrdlaw.com)

Subject: RE: Under Armour securities
litigation/subpoena to Bloomberg LP

External E-mail

Hi Theresa,

Sorry I missed your call. We accidentally designated the case for White Plains initially but that has now been fixed and the case has been reassigned to Judge Kaplan. We completed the filing today by filing a Motion to Seal, along with the unredacted filing.

Please provide the signed Attachment A so we can serve you with the complete, unredacted filing.

Thanks,

T. Alex B. Folkerth

[<image001.png>](#)

58 South Service Road, Suite 200
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(631) 367-7100

[<image002.gif>](#)

[<image003.gif>](#)

[<image004.gif>](#)

[<image005.gif>](#)

[<image006.gif>](#)

From: House, Theresa M.

[<Theresa.House@arnoldporter.com>](mailto:Theresa.House@arnoldporter.com)

Sent: Thursday, March 16, 2023 11:02 AM

To: Alex Folkerth [<AFolkerth@rgrdlaw.com>](mailto:AFolkerth@rgrdlaw.com);

Hanswirth, Dori Ann

[<Dori.Hanswirth@arnoldporter.com>](mailto:Dori.Hanswirth@arnoldporter.com)

Cc: Kirsten McCormack

[<KMcCormack@rgrdlaw.com>](mailto:KMcCormack@rgrdlaw.com); Bobby Henssler

[<BHenssler@rgrdlaw.com>](mailto:BHenssler@rgrdlaw.com); Elizabeth Shonson

[<eshonson@rgrdlaw.com>](mailto:eshonson@rgrdlaw.com)

Subject: RE: Under Armour securities
litigation/subpoena to Bloomberg LP

EXTERNAL SENDER

Alex,

I left a voicemail for you but I understand you may be traveling today. In case you haven't seen yet, this matter has been assigned to Judge Halpern. The Judge's individual rules require that, for discovery-related motions, the moving party must request a conference with the Court before the filing of any such motion. To that end, the parties are required to submit a joint letter from all counsel limited to 5 pages, double spaced, outlining the disputes to be addressed. We think it is advisable to write to the Court today to inform the Judge that the parties are preparing the joint letter and will submit it no later than Thursday, March 23. Can you prepare a draft for our review? Thanks.

Theresa

From: Alex Folkerth <AFolkerth@rgrdlaw.com>

Sent: Wednesday, March 15, 2023 9:31 PM

To: Hanswirth, Dori Ann
<Dori.Hanswirth@arnoldporter.com>

Cc: House, Theresa M.
<Theresa.House@arnoldporter.com>; Kirsten McCormack <KMccormack@rgrdlaw.com>; Bobby Henssler <BHenssler@rgrdlaw.com>; Elizabeth Shonson <eshonson@rgrdlaw.com>

Subject: RE: Under Armour securities litigation/subpoena to Bloomberg LP

External E-mail

Dori,

We're confused by your email. You've repeatedly and consistently maintained that there would be no production by Bloomberg. On February 27, after we informed you that we would move to compel, you confirmed that the parties were at an impasse and Bloomberg would not produce any

responsive information. And, on March 13, you confirmed that Bloomberg would not consent to a transfer to Judge Bennett. Now you say that something that Under Armour's lawyers have conveyed to you has led you to discuss with your client "a potential production of certain documents." But this is not what the subpoena requires of Bloomberg and we can't allow any further delay.

We just filed the motion. I have attached the public version. We will serve an un-redacted copy on you after you sign and return Attachment A to the attached Protective Order.

If you'd like to meet and confer, we're happy to schedule a call.

Regards,

T. Alex B. Folkerth

[<image001.png>](#)

58 South Service Road, Suite 200
Melville, NY 11747
(631) 367-7100

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[<image006.gif>](#)

From: Hanswirth, Dori Ann

[<Dori.Hanswirth@arnoldporter.com>](mailto:Dori.Hanswirth@arnoldporter.com)

Sent: Tuesday, March 14, 2023 5:50 PM

To: Alex Folkerth [<AFolkerth@rgrdlaw.com>](mailto:AFolkerth@rgrdlaw.com)

Cc: House, Theresa M.

[<Theresa.House@arnoldporter.com>](mailto:Theresa.House@arnoldporter.com); Kirsten

McCormack [<KMcCormack@rgrdlaw.com>](mailto:KMcCormack@rgrdlaw.com);

Bobby Henssler [<BHenssler@rgrdlaw.com>](mailto:BHenssler@rgrdlaw.com);

Elizabeth Shonson [<eshonson@rgrdlaw.com>](mailto:eshonson@rgrdlaw.com)

Subject: RE: Under Armour securities
litigation/subpoena to Bloomberg LP

EXTERNAL SENDER

Alex,

Further to my email below, I am still discussing a potential production of certain documents with my client. I ask that you refrain from filing any motion to compel until I get back to you, which I intend to do promptly. Sam Groner has reached out to me to ask for Bloomberg's position and I advised him that it is currently under consideration and that I would be in touch when I have further information.

Best,
Dori

Dori Hanswirth

Partner | [Bio](#)

<image007.png>

250 West 55th Street
New York, NY 10019-9710
T: +1 212.836.8095

Dori.Hanswirth@arnoldporter.com
www.arnoldporter.com | [LinkedIn](#) | [Twitter](#)

From: Hanswirth, Dori Ann
Sent: Monday, March 13, 2023 2:48 PM
To: 'Alex Folkerth' <AFolkerth@rgrdlaw.com>
Cc: House, Theresa M.
<Theresa.House@arnoldporter.com>; Kirsten McCormack <KMccormack@rgrdlaw.com>; Bobby Henssler <BHenssler@rgrdlaw.com>;

Elizabeth Shonson <eshonson@rgrdlaw.com>

Subject: RE: Under Armour securities
litigation/subpoena to Bloomberg LP

Thanks, Alex. Bloomberg does not
consent to a transfer of the motion.
Please get back to me once you've
had your meet and confer.

Dori

From: Alex Folkerth <AFolkerth@rgrdlaw.com>

Sent: Monday, March 13, 2023 2:41 PM

To: Hanswirth, Dori Ann

<Dori.Hanswirth@arnoldporter.com>

Cc: House, Theresa M.

<Theresa.House@arnoldporter.com>; Kirsten

McCormack <KMccormack@rgrdlaw.com>;

Bobby Henssler <BHenssler@rgrdlaw.com>;

Elizabeth Shonson <eshonson@rgrdlaw.com>

Subject: RE: Under Armour securities
litigation/subpoena to Bloomberg LP

External E-mail

Dori,

Thanks for touching base. Yes, we're finalizing a
meet and confer with the defendants about
certain information that they've designated as
confidential that will be a part of the motion to
compel. Did you have a chance to confer with
your client about a transfer to Judge Bennett?

Best,

T. Alex B. Folkerth

<[image001.png](#)>

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(631) 367-7100

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From: Hanswirth, Dori Ann
<Dori.Hanswirth@arnoldporter.com>
Sent: Monday, March 13, 2023 2:30 PM
To: Alex Folkerth <AFolkerth@rgrdlaw.com>
Cc: House, Theresa M.
<Theresa.House@arnoldporter.com>; Kirsten McCormack <KMccormack@rgrdlaw.com>; Bobby Henssler <BHenssler@rgrdlaw.com>; Elizabeth Shonson <eshonson@rgrdlaw.com>
Subject: RE: Under Armour securities litigation/subpoena to Bloomberg LP

EXTERNAL SENDER

Alex,

We haven't heard from you in a couple of weeks. Is this still an active issue? If I recall correctly, the discovery cut-off in your case has passed.

Thanks.

Dori

Dori Hanswirth
Partner | [Bio](#)

<image007.png>

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New York, NY 10019-9710
T: +1 212.836.8095
Dori.Hanswirth@arnoldporter.com
www.arnoldporter.com | [LinkedIn](#) | [Twitter](#)

From: Alex Folkerth <AFolkerth@rgrdlaw.com>
Sent: Tuesday, February 28, 2023 10:27 AM
To: Hanswirth, Dori Ann
<Dori.Hanswirth@arnoldporter.com>
Cc: House, Theresa M.
<Theresa.House@arnoldporter.com>; Kirsten McCormack <KMccormack@rgrdlaw.com>; Bobby Henssler <BHenssler@rgrdlaw.com>; Elizabeth Shonson <eshonson@rgrdlaw.com>
Subject: RE: Under Armour securities litigation/subpoena to Bloomberg LP

External E-mail

Hi Dori,

Thanks for your email. We intend to move to compel Bloomberg's compliance with the subpoena. Please let us know if Bloomberg will consent to having the motion transferred to the Court in which our case is pending – Judge Bennett in the District of Maryland – pursuant to Rule 45(f).

Best,

T. Alex B. Folkerth

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(631) 367-7100

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From: Hanswirth, Dori Ann
<Dori.Hanswirth@arnoldporter.com>
Sent: Monday, February 27, 2023 6:06 PM
To: Alex Folkerth <AFolkerth@rgrdlaw.com>
Cc: House, Theresa M.
<Theresa.House@arnoldporter.com>; Kirsten McCormack <KMcCormack@rgrdlaw.com>; Bobby Henssler <BHenssler@rgrdlaw.com>; Elizabeth Shonson <eshonson@rgrdlaw.com>
Subject: RE: Under Armour securities litigation/subpoena to Bloomberg LP

EXTERNAL SENDER

Alex,

Thanks for your note. As we have previously discussed, Bloomberg's documents are protected by the journalists' privilege and we have no information to indicate that your clients have a critical, specific need for them and cannot obtain them from other sources. We have offered to consider legal arguments from you, and to compare our set of collected documents against what has already been produced by others, but your side does not want to do either of those. In addition to the journalists' privilege, Bloomberg is also protected by Rule 45 from burdensome, cumulative, and duplicative discovery. As you can imagine, responding to nonparty subpoenas in civil cases places a significant and particularly difficult burden on the news media. For these reasons, Bloomberg will stand by its

objections.

Of course, I am happy to discuss this with you further should you wish to do so.

Best,
Dori

Dori Hanswirth
Partner | [Bio](#)

<image007.png>

250 West 55th Street
New York, NY 10019-9710
T: +1 212.836.8095
Dori.Hanswirth@arnoldporter.com
www.arnoldporter.com | [LinkedIn](#) | [Twitter](#)

From: Alex Folkerth <AFolkerth@rgrdlaw.com>

Sent: Thursday, February 23, 2023 4:28 PM

To: Hanswirth, Dori Ann

<Dori.Hanswirth@arnoldporter.com>

Cc: House, Theresa M.

<Theresa.House@arnoldporter.com>; Kirsten

McCormack <KMccormack@rgrdlaw.com>;

Bobby Henssler <BHenssler@rgrdlaw.com>;

Elizabeth Shonson <eshonson@rgrdlaw.com>

Subject: RE: Under Armour securities
litigation/subpoena to Bloomberg LP

External E-mail

Dori and Theresa,

Appreciate your time on the phone this afternoon. You indicated that your client intends to stand on its claim of reporter's privilege and will not produce documents in response to our subpoena.

We discussed the possibility of me obtaining

Defendants' consent to share the documents they produced regarding Ms. Ruhle with you so that you could review and let us know whether you have collected documents that are additional to the ones that we have. Having given that some thought and discussed it with our team, I do not think that would be productive – especially absent any commitment from you to produce documents after going through such an exercise. This idea also does not address the internal communications that we seek from Bloomberg, which we obviously did not obtain from Defendants.

Thus, we appear to be at impasse. If we do not hear otherwise from you by close of business next Monday, 2/27, we intend to move to compel a production from your client.

Thank you,

T. Alex B. Folkerth

[<image001.png>](#)

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Melville, NY 11747
(631) 367-7100

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[<image006.gif>](#)

From: Hanswirth, Dori Ann

[<Dori.Hanswirth@arnoldporter.com>](mailto:Dori.Hanswirth@arnoldporter.com)

Sent: Tuesday, February 21, 2023 8:08 AM

To: Alex Folkerth [<AFolkerth@rgrdlaw.com>](mailto:AFolkerth@rgrdlaw.com)

Cc: House, Theresa M.

[<Theresa.House@arnoldporter.com>](mailto:Theresa.House@arnoldporter.com); Kirsten McCormack [<KMcCormack@rgrdlaw.com>](mailto:KMcCormack@rgrdlaw.com)

Subject: RE: Under Armour securities
litigation/subpoena to Bloomberg LP

EXTERNAL SENDER
Alex, that should work for us.

Dori

Dori Hanswirth
Partner | [Bio](#)

<image007.png>

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New York, NY 10019-9710
T: +1 212.836.8095
Dori.Hanswirth@arnoldporter.com
www.arnoldporter.com | [LinkedIn](#) | [Twitter](#)

From: Alex Folkerth <AFolkerth@rgrdlaw.com>
Sent: Monday, February 20, 2023 2:11 PM
To: Hanswirth, Dori Ann
<Dori.Hanswirth@arnoldporter.com>
Cc: House, Theresa M.
<Theresa.House@arnoldporter.com>; Kirsten
McCormack <KMccormack@rgrdlaw.com>
Subject: RE: Under Armour securities
litigation/subpoena to Bloomberg LP

External E-mail

Dori and Theresa,

Following up on the below. I'm available to
discuss this Thursday (2/23/23) at 2:00 p.m. ET
if that works.

Thanks,

T. Alex B. Folkerth
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Melville, NY 11747
(631) 367-7100

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From: Alex Folkerth
Sent: Monday, February 6, 2023 7:07 PM
To: 'Hanswirth, Dori Ann'
<Dori.Hanswirth@arnoldporter.com>
Cc: House, Theresa M.
<Theresa.House@arnoldporter.com>; Kirsten McCormack <KMccormack@rgrdlaw.com>
Subject: RE: Under Armour securities litigation/subpoena to Bloomberg LP

Dori and Theresa,

Thank you for your time on the phone this afternoon. As I explained, the reporter's privilege does not apply to Ms. Ruhle's communications regarding Under Armour because she was not acting as an independent journalist. I asked Mr. Haber to collect emails that Ms. Ruhle exchanged with the domains "@underarmour.com" and "@ua.com" in January 2016 so that he could see the factual basis for our position, as we are prevented from sharing the documents that Under Armour produced to us by the protective order in our case. It would be helpful to know how many emails were yielded by that collection.

We are also willing to negotiate narrowly targeted search parameters for a collection and production by your client. Because, however, we are interested in Ms. Ruhle's communications with other third parties and not only her communications with Under Armour and Mr. Plank, those parameters would be slightly different from the ones described

above. I propose the following two-part production:

1. Part One
 1. Custodian
 1. Stephanie Ruhle, SENT emails only
 2. Time Period
 1. January 10, 2016 – January 24, 2016
 3. Search terms
 1. Under Armour
 2. UAA
2. Part Two
 1. The emails already collected between Ms. Ruhle and “underarmour.com” or “ua.com” in January 2016

Let’s touch base again once you have had a chance to discuss our proposal with your client. How about next Thursday, Feb. 16 at 2:00 p.m. ET?

All best,

T. Alex B. Folkerth

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From: Hanswirth, Dori Ann
<Dori.Hanswirth@arnoldporter.com>

Sent: Thursday, February 2, 2023 1:04 PM

To: Alex Folkerth <AFolkerth@rgrdlaw.com>

Cc: House, Theresa M.

<Theresa.House@arnoldporter.com>; Kirsten

McCormack <KMcCormack@rgrdlaw.com>

Subject: RE: Under Armour securities
litigation/subpoena to Bloomberg LP

EXTERNAL SENDER

I did think you meant 5:00 pm on the east coast, so let's keep it there. In answer to your prior question, we have reviewed Bloomberg's emails between Ruhle and Plank, and/or Under Armour from January 2016.

Dori Hanswirth

Partner | [Bio](#)

<image007.png>

250 West 55th Street

New York, NY 10019-9710

T: +1 212.836.8095

Dori.Hanswirth@arnoldporter.com

www.arnoldporter.com | [LinkedIn](#) | [Twitter](#)

From: Alex Folkerth <AFolkerth@rgrdlaw.com>

Sent: Thursday, February 2, 2023 12:57 PM

To: Hanswirth, Dori Ann

<Dori.Hanswirth@arnoldporter.com>

Cc: House, Theresa M.

<Theresa.House@arnoldporter.com>; Kirsten

McCormack <KMcCormack@rgrdlaw.com>

Subject: RE: Under Armour securities
litigation/subpoena to Bloomberg LP

External E-mail

I see my previous email contained a typo – I meant to suggest 2:00 p.m. **ET**. I set the calendar event for 2:00 p.m. ET but if you

understood me to be suggesting 5:00 p.m. ET
(i.e., 2:00 p.m. PT) I can make myself available
then, too.

Thanks,

T. Alex B. Folkerth

[<image001.png>](#)

58 South Service Road, Suite 200
Melville, NY 11747
(631) 367-7100

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[<image004.gif>](#)

[<image005.gif>](#)

[<image006.gif>](#)

From: Hanswirth, Dori Ann

[<Dori.Hanswirth@arnoldporter.com>](mailto:Dori.Hanswirth@arnoldporter.com)

Sent: Thursday, February 2, 2023 12:49 PM

To: Alex Folkerth [<AFolkerth@rgrdlaw.com>](mailto:AFolkerth@rgrdlaw.com)

Cc: House, Theresa M.

[<Theresa.House@arnoldporter.com>](mailto:Theresa.House@arnoldporter.com); Kirsten
McCormack [<KMcCormack@rgrdlaw.com>](mailto:KMcCormack@rgrdlaw.com)

Subject: RE: Under Armour securities
litigation/subpoena to Bloomberg LP

EXTERNAL SENDER

Yes, that date and time is convenient.

Would you please send a calendar
invite?

Thanks.

Dori

Dori Hanswirth

Partner | [Bio](#)

[<image007.png>](#)

250 West 55th Street
New York, NY 10019-9710
T: +1 212.836.8095
Dori.Hanswirth@arnoldporter.com
www.arnoldporter.com | [LinkedIn](#) | [Twitter](#)

From: Alex Folkerth <AFolkerth@rgrdlaw.com>
Sent: Thursday, February 2, 2023 11:39 AM
To: Hanswirth, Dori Ann
<Dori.Hanswirth@arnoldporter.com>
Cc: House, Theresa M.
<Theresa.House@arnoldporter.com>; Kirsten McCormack <KMccormack@rgrdlaw.com>
Subject: RE: Under Armour securities litigation/subpoena to Bloomberg LP

External E-mail

Hi Dori,

Thanks for your email. I assume you are familiar with my correspondence with Mr. Haber. Have you reviewed Ms. Ruhle's emails with Under Armour and Mr. Plank from January 2016?

I think a call to discuss is a good idea. How about this coming Monday, 2/6, at 2:00 p.m. PT?

Best,

T. Alex B. Folkerth

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[<image003.gif>](#)

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From: Hanswirth, Dori Ann
<Dori.Hanswirth@arnoldporter.com>
Sent: Wednesday, February 1, 2023 3:55 PM
To: Alex Folkerth <AFolkerth@rgrdlaw.com>
Cc: House, Theresa M.
<Theresa.House@arnoldporter.com>
Subject: Under Armour securities
litigation/subpoena to Bloomberg LP

EXTERNAL SENDER

Alex,

Bloomberg LP has retained us to handle the nonparty document subpoena that your firm has served, and to which our client has objected, in the Under Armour securities case. Please contact me should you wish to discuss the matter.

Best,
Dori

Dori Hanswirth
Partner | [Bio](#)

<[image007.png](#)>

250 West 55th Street
New York, NY 10019-9710
T: +1 212.836.8095
Dori.Hanswirth@arnoldporter.com

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by reply email and destroy all copies of the original
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<JUDGE GORENSTEIN FROM M. CAPECI RE MOTION TO COMPEL
SCHEDULE v.1.docx>

<[PROPOSED] ORDER SETTING BRIEFING SCHEDULE v.1.docx>

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